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In the Matter of)
)
Administration of the North)
American Numbering Plan)

CC Docket No. 92-237

COMMENTS OF TELOCATOR,
THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

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ATTACHMENT A

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COMMENTS OF
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I. INTRODUCTION AND SUMMARY

¹ FCC 92-470 (released October 29, 1992).

Spectrum policy is developed by the FCC, and frequencies are assigned by disinterested parties -- either the Commission or independent frequency coordinators. In contrast, numbering policy is developed, and numbers are assigned, by entities that have a vested interest in the resource they administer. Notwithstanding the commitment of these entities to act impartially, continued stewardship of the NANP by interested parties is untenable in an increasingly competitive environment. Consequently, Telocator is pleased that the Commission has initiated this timely and important inquiry into the future administration of the numbering plan.

In analyzing NANP administration issues, Telocator believes it is useful to distinguish between the development of numbering policy (such as allocation and assignment guidelines) and the ministerial implementation of that policy (such as assignment of numbers based on established guidelines). Policy should be formulated by an open, representative body, which does not view numbering issues through the parochial eyes of a single industry segment. The implementation of policy should be entrusted to an entity that is unaffiliated with any user of numbering resources.

Consistent with this model, the Commission should establish an NANP Policy Council. This body would assume responsibility for resolving all NANP policy issues, be open

to representatives from all industry sectors as well as World Zone 1 ("WZ1") regulatory authorities, and be chaired by a member of the Commission's staff. The Policy Council would select a disinterested entity to administer the NANP in accordance with established guidelines, and would oversee that entity's performance. Any disputes regarding policy development or implementation could be resolved by the FCC through mediation or negotiated rulemaking procedures.

Telocator also commends the Commission for inquiring what numbering-related actions should be taken to promote personal communications services. Because these services are intended to accommodate the needs of highly mobile users, PCS providers, including existing cellular and paging carriers, may desire to use "non-geographic" numbers -- those that do not denote a specific physical location -- in order to meet marketplace demands. Accordingly, the Commission can promote PCS in the short run by declaring that all mobile service providers are entitled to obtain non-geographic numbers on a nondiscriminatory basis.

II. BELLCORE AND THE LECS SHOULD NO LONGER PERFORM NANP ADMINISTRATION FUNCTIONS.

The Notice invites comments "on the advisability of transferring NANP administration to an administrator other

than Bellcore."² If the essential resource at issue were spectrum, not numbers, the Commission would never consider allowing one group of competitors to decide whether frequencies should be allocated to particular services or assigned to particular companies. The answer for numbering resources is equally evident.

Indeed, the responses to NARUC's petition already demonstrate a strong consensus that, in an increasingly competitive environment, it is imprudent to permit Bellcore and the LECs to continue to control the allocation and assignment of NANP resources.³ Thus, without criticizing Bellcore's past performance, the relocation of responsibility for administering the NANP is undeniably advisable.

A. Principles Underlying Sound NANP Administration

Telocator believes the following principles should be used in developing a framework for transferring NANP administration responsibilities from Bellcore:

First, the development of NANP policy should be distinguished from the ministerial assignment of NANP resources. Policy functions include the development of the long-term numbering plan and code assignment guidelines for

² Notice at ¶ 28.

³ See e.g., the Comments filed in DA 91-1307 by MCI (at 5), AT&T (at 3), MFS (at 5), McCaw (at 1-15), United (at 5), and Telocator (at 1-11).

central office, PCS N00-NXX, non-geographic, carrier identification, 800, 900, interchangeable NPA, and other codes. Ministerial functions include (1) assignment of codes to particular entities pursuant to established guidelines, (2) compilation and dissemination of the Central Office Code Utilization Survey, (3) management of the Local Exchange Routing Guide ("LERG") and related data bases, and (4) administration of data bases supporting non-geographic numbers and other numbering-related functionalities.

Second, all numbering policy issues should be handled in one forum. Bellcore currently enjoys overall responsibility for the development of NANP policy. However, approximately twenty-five numbering-related issues are being handled by various entities acting in an advisory role to Bellcore, including the Carrier Liaison Committee ("CLC"), the Industry Carrier Compatibility Forum ("ICCF"), and three different committees sponsored by the Exchange Carrier Standards Association ("ECSA").⁴ This haphazard approach invites forum-shopping and sorely taxes the resources of all industry participants. In contrast, referring all numbering-related issues to a single entity would promote efficient, consistent decision-making.

⁴ Attachment A hereto lists these issues and associated forums.

Third, the policy development function should be transferred to a representative, independent entity that is accountable to regulators. The development of NANP policy should be performed by a new body that is open to and representative of all aspects of the telecommunications industry. All existing numbering entities -- including the CLC, ICCF, and ECSA -- are dominated by wireline exchange carriers. The new entity should include participants from the FCC, NARUC, and any interested WZ1 regulatory authorities. Any issues that it cannot resolve should be referred to the FCC for expedited settlement.

Fourth, the ministerial functions should be entrusted to an entity that is unaffiliated with any user of NANP resources and is accountable to the body that develops NANP policy. Neither Bellcore nor the LECs should retain their current code assignment, COCUS, and data base management responsibilities. Rather, these functions should be discharged by an entity that has no tie to any particular company or industry segment.⁵ This entity also would advise the Policy Council on implementation concerns engendered by particular policy proposals.

Fifth, any charges for the assignment of NANP resources should be cost-based. As the Commission has long recognized,

⁵ The entity also would need to demonstrate its technical competence.

no charge should be imposed for the use of NANP resources, because no carrier or group of carriers owns these resources. Charges may be imposed for ministerial administration functions, but these charges must be cost-based and non-discriminatory.

B. Suggested NANP Administration Structure

Based on the foregoing principles, Telocator proposes a two-part structure for ensuring that NANP administration is equitable, informed, and pro-competitive.

1. NANP Policy Council

First, all numbering policy issues should be transferred to a new NANP Policy Council.⁶ The Council would be open to all interested parties, including mobile service providers, interexchange carriers, local telephone companies, competitive access providers, end users, and regulators. It would be independent of any existing industry organization in order to avoid ties to specific industry sectors.

The Council would operate by consensus. To enhance the degree of cooperation, Telocator urges the Commission to make available a staff member to act as Chairman of the Council.

⁶ The Council could, of course, establish subcommittees to address particular issues or subsets of issues. The full Council, however, would have to approve any proposed resolution.

The Chairman would not take a formal position on issues, but would keep discussion moving and consult on the policy implications of particular alternatives.

In addition, to avoid the paralysis that often grips numbering debates, the Chairman would establish deadlines for the resolution of particular issues. In other areas where the Commission has imposed deadlines and exercised continuing oversight -- such as the Network Reliability Council and the management of 800 data base implementation -- disparate industry segments have acted with alacrity and dedication. Similar results should be expected with respect to numbering.

Of course, the Council may not be able to reach full and timely agreement on some issues. These matters could be referred to the Commission for expedited settlement using alternative dispute resolution or negotiated rulemaking techniques.⁷ As another option, the Commission could require the Council to submit a majority report, along with dissenting views, that would form the record for issuing new rules. Either approach would foster efficient, prompt decision-making.

The Council would be self-funding. Each participant would pay its own costs of attendance. Overhead expenses, such as the costs of mailings and meetings could either be borne by a host entity or spread among all the members.

⁷ See Notice at ¶ 31.

Given the large number of potentially interested parties, and the fact that individual companies will no longer have to monitor multiple numbering forums, the per-member costs of the Council should not be burdensome.

2. NANP Administrator

As one of its first major tasks, the NANP Policy Council would select an entity (or entities) to perform the ministerial assignment functions, compile and disseminate the COCUS, and administer the relevant databases. This entity could be chosen through an RFP process, as is being done for the 800 data base administrator. Any company that is not affiliated with a user of NANP resources and can demonstrate technical competence would be eligible to respond to the RFP.

By utilizing a competitive bidding process, the Commission and the industry can ensure that the charges for administrative functions are reasonable and stable. As part of the RFP response, prospective administrators could be required to state their charges for assigning specific types of codes, preparing the COCUS, and managing the LERG and other numbering-related data bases.⁸ Users of these resources -- for example, entities that employ central office codes, subscribe to the COCUS, or provide services that rely

⁸ See Notice at ¶¶ 33-35 (inquiring how costs of administration should be recovered).

on centralized data base translations -- would bear the costs of administration. Ensuring that all users of NANP resources pay cost-based rates for their administration would promote competition and efficient code use.

With respect to the administration cost issue, Telocator wishes to respond to a misconception in the Notice. Specifically, the Commission suggests that these costs currently are incurred by "private firms without compensation," and implies that transferring the administration functions may result in new charges to numbering users.⁹ In reality, however, the private firms referred to by the Commission collect considerable sums for administering some NANP resources, such as CO codes.¹⁰ In addition, these firms can and do pass along administration costs to ratepayers. Thus, transferring the administration function would not impose new costs on the industry. Rather, the same costs would be recovered in a different manner.

Finally, Telocator recognizes that Bellcore and the BOCs have expertise in performing the ministerial administration

⁹ Id. at ¶ 33.

¹⁰ These charges vary widely from region to region. Telocator recognizes that the Commission has stated that it will decline to address the costs of central office code administration. Notice at ¶ 35. However, the Commission need not initiate a rate investigation in order to pursue Telocator's approach to NANP administration. Rather, centralizing the administration of CO codes and other NANP resources as Telocator recommends would provide market incentives for cost-based administration charges.

functions. This expertise would not be lost, however, if the responsibility for administration is transferred to a new entity. Just as Bellcore will assist the new 800 data base administrator during a transition period, the current NANPA unit and the BOCs could educate the new NANP Administrator. Consequently, there is every reason to expect that entity to function efficiently and knowledgeably.

III. THE COMMISSION SHOULD STATE THAT ALL MOBILE SERVICE
PROVIDERS ARE ELIGIBLE TO OBTAIN NON-GEOGRAPHIC CODES.

The Notice recognizes that "[t]he numbering schemes used for Personal Communications Services are important and are the subject of both domestic and international discussions," and seeks comments on "what actions should be taken by this Commission to foster such services."¹¹ In the long term, PCS numbering issues -- many of which may not even be evident at

¹¹ Notice at ¶ 40. The Notice also seeks comments on the costs and feasibility of local number portability. Id. at ¶ 41. Telocator assumes from the context of this paragraph that the Commission is referring to portability of landline numbers. In the mobile services context, number portability raises several complex issues -- including the location and control of any necessary data bases, the effect of the data base "dip" on the cost structure of calls characterized by brief transmissions, and the effect of post-dial delay on paging services -- that are beyond the scope of this proceeding. Although the ability to implement number portability should not be foreclosed at this point, these issues must be investigated and resolved in a separate proceeding before a policy is adopted favoring number portability for mobile services.

this point -- can be dealt with by the NANP Policy Council.¹² In the short run, however, the Commission should ensure that non-geographic numbers (numbers that do not denote a particular physical location) are made available in an equitable manner to all mobile service providers.

As the Commission has recognized in Docket No. 90-314,¹³ PCSs encompass a "wide range of capabilities and technologies." The Commission has defined PCS as "a family of mobile or portable radio communications services which could provide service to individuals and business, and be integrated with a variety of competing networks."¹⁴

As this definition makes clear, PCS includes cellular and paging as well as new forms of mobility services. Personal numbering, which enables an individual to be contacted at a single number regardless of location, network used, and terminal type, is not in itself a PCS. Rather, personal numbering may be an aspect of PCSs that some individual providers may choose to offer, depending on their perception of marketplace demands.

¹² One long-run issue is the Universal Personal Telecommunications number, or UPT. Currently, UPT is being addressed in Committee T1 domestically and by CCITT internationally. The domestic implications of UPT should be referred to the new NANP Policy Council.

¹³ Amendment of the Commission's Rules To Establish New Personal Communications Services, GEN Docket No. 90-134, FCC 92-333 (released Aug. 14, 1992).

¹⁴ Id. at ¶ 29.

Non-geographic numbers are an enabling technology for all PCS services. As several parties explained in response to the NARUC petition, such numbers are needed today in order to route mobile calls more efficiently and support new mobile services such as Calling Party Pays.¹⁵ They may also be used for personal numbering.

Currently, there is considerable debate in the industry regarding the appropriate definition of PCS. This is important because an ICCF workshop is developing guidelines for the assignment of PCS N00 NXX codes (that is, non-geographic numbers to be used in providing PCS services). In turn, these guidelines likely will form the basis for guidelines for non-geographic numbers under interchangeable NPAs. Depending on the PCS definition chosen, there is a chance that current and future non-geographic codes will be made available only to personal numbering services, rather than to all PCS competitors. Telocator accordingly urges the Commission to re-emphasize that PCS is a broad term encompassing all mobile communications services, and to declare that all PCS competitors are eligible to be assigned PCS N00-NXX codes and future non-geographic codes on a non-discriminatory basis.

¹⁵ See Comments of McCaw, DA 91-1307, at 10-12; Comments of Telocator, DA 91-1307, at 9.

IV. CONCLUSION

Telocator recommends that the Commission take several steps to ensure that NANP resources are administered in an equitable, pro-competitive manner:

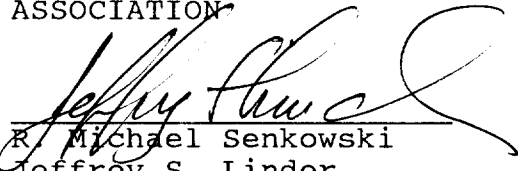
- First, the Commission should require that all NANP policy issues be transferred to an open NANP Policy Council chaired by a member of the Commission's staff.
- Second, the Commission should direct the Council to award a contract for ministerial administration services, including code assignment, compilation of the COCUS, and administration of the LERG and other numbering-related data bases, to an entity that is unaffiliated with any user of NANP resources.
- Third, the Commission should declare that any provider of a mobile communications service, including existing cellular and paging companies, is entitled to obtain PCS N00-NXX codes on a non-discriminatory basis.

These actions will promote continued growth and development of mobile services and greatly benefit all telecommunications users.

Respectfully submitted,

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NUMBERING ISSUES AND RELATED INDUSTRY FORUMS

<u>ISSUE</u>	<u>FORUM</u>
1. Long Range Numbering Plan	NANPA
2. Vertical Service Codes	ICCF WS/TR 45
3. PCS N00 Guidelines	ICCF WS
4. N00 Codes	NANPA
5. N11 Codes	FCC/IILC
6. Interchangeable NPA Codes	NANPA
7. CIC Expansion	ICCF WS
8. UPT Numbering	T1P1/SG-II/TR45
9. UPT Technical Issues	T1P1.3
10. NPA Relief	ICCF WS/NANPA
11. Single Number Service	IILC
12. CO Code Guidelines	NANPA/FCC
13. Global Virtual Network Services	T1S1/T1E1
14. Time "T"	NANPA
15. NANP Administration	FCC/NANPA
16. Uniform Dialing Plan	NANPA
17. Abbreviated Dialing	ICCF/NANPA
18. Data Network Identification Codes	FCC
19. SS7 Point Codes	T1S1/NANPA
20. ANI II Digits	ICCF WS/NANPA
21. 700 SAC	NONE
22. 710 SAC	NANPA/DOD
23. 800 SAC	CLC AD HOC
24. 900 SAC	ICCF
25. Inbound International	ICCF/NANPA
26. Wireless/Cellular	TR45/WIF